IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 7992 of 2007(B)

PETITIONER:

KANJIRATHODI HAMZA, S/O. ITHALUTTY,
ERANJOLI HOUSE, KONDOTTY, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:
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1. THE GENERAL MANAGER,
MANJERI CO-OPERATIVE URBAN BANK LTD.,
MANJERI, MALAPPURAM DISTRICT.

2. THE MANAGER,
LOAN RECOVERY CELL, MANJERI CO-OPERATIVE URBAN
BANK LTD., MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
SMT.N.DHANYA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON 12/04/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE DEMAND NOTICE DT.27.12.2005 ISSUED BY R1 TO THE PETITIONER.

P2: TRUE COPY OF THE NOTICE ISSUED BY R2 TO PETITIONER DT.20.2.2007.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.7992 of 2007

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Dated this the 12th day of April, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for respondents. Counsel submitted that petitioner has complied with the interim order dated 9.3.2007 by making payment of Rs.1 lakh. The petitioner further undertakes to clear the balance arrears in fifteen equal monthly instalments. In the circumstances and in view of the undertaking by the petitioner, W.P. is disposed of granting fifteen equal monthly instalments to the petitioner to clear the balance arrears, first of which will be paid on or before 15.5.2007 and the balance on or before the 15th of following 14 months. Recovery proceedings will be kept in abeyance for payment as above and in the event of default in payment of any instalment, the instalment facility will stand vacated and respondents will be free to take over possession and sell the property in recovery proceedings.

C.N.RAMACHANDRAN NAIR
Judge

pms